



STATE OF MICHIGAN
SUPREME COURT

May 29, 2015

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

ANTHONY MICHAEL FLINT,
Defendant-Appellant.

SC: 151189
COA: 321213
Wayne CC: 94-000892-FC

Statement of Justice Markman Denying Defendant-Appellant's Motion to Disqualify

MARKMAN, J. Defendant has filed a motion to disqualify because I was a member of the Court of Appeals panel that decided his direct appeal in 1996. *People v Flint*, unpublished opinion per curiam of the Court of Appeals, issued November 8, 1996 (Docket No. 185201). I respectfully deny this motion. To begin with, none of the grounds for disqualification set forth in MCR 2.003(C) require my disqualification and I can think of no other grounds that would require this. I am not biased for or against any of the parties or attorneys and I have no personal knowledge of any disputed evidence. Moreover, I do not believe my participation will create any appearance of impropriety. My participation in defendant's direct appeal occurred nearly 19 years ago and involved an entirely different issue than that now presented. The issues then pertained to whether prosecutor had presented sufficient evidence of defendant's intent to sustain his conviction of felony murder and whether the trial court had properly instructed the jury

regarding that intent. The issue now, in defendant's fourth motion for relief from judgment, pertains to whether alleged newly-discovered evidence was withheld by the prosecutor. It is an entirely new issue and has in no way been the subject of prejudgment.